



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Bert Ford
Administrator, Texas Liquor Control Board
Austin, Texas

Dear Sir:

Opinion No. O-2592

Re: On what date does the
new federal census be-
come officially appli-
cable in determining
the assessed rates for
package store permits?

Your recent request for an opinion of this De-
partment on the above stated question has been received.

We quote from your letter as follows:

"Subsection (B) of Section 15, Article I
of the Texas Liquor Control Act contains the
following provisions:

'The annual fee for a package store
in cities and towns shall be based
upon the population according to the
last preceding Federal Census as fol-
lows:

Population	Fee
25,000 or less	\$125.00
25,001 to 75,000	175.00
75,001 or more	250.00

'The annual fee for a package store
outside of cities and towns shall be
One Hundred and Twenty-five (\$125)

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Dollars, except the annual fee for a package store outside of an incorporated city or town and within two (2) miles of the corporate limits shall be the same as the fee required in said incorporated city or town.

'The annual fee for a package store to sell wine only in cities and towns shall be based on population according to the last preceding Federal Census as follows:

Population	Fee
2,000 or less.	\$ 5.00
2,001 to 5,000	7.50
5,001 to 10,000.	10.00
10,000 or more.	12.50

'The annual fee for a package store to sell wine only outside of cities and towns shall be Five (\$5) Dollars.'

"It is known that there have been changes in the 1940 census figures over those of 1930 which will affect applicable permit fees within the various classifications. All package store permits expire August 31, 1940, and are subject to renewal on September 1. We would like to know the date a new Federal Census becomes officially applicable in determining the assessed rates for package store permits."

This Department has heretofore passed upon the question as to when the 1940 Federal Census becomes controlling under statutes involving population in Opinion No. 0-2337. A copy of this opinion is enclosed for your convenience.

It will be noted that under Subsection (8) of Section 15, Article I of the Texas Liquor Control Act, that the annual fee for a package store in cities and towns and the annual fee for a package store to sell wine only in cities and towns shall be based on population according to the last preceding Federal Census as stated in said statute.

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As above mentioned all package store permits expire August 31, 1940, and are subject to renewal on September 1.

In view of the foregoing statute and the above mentioned opinion No. 0-2337, you are respectfully advised that it is the opinion of this Department if the official pronouncement of the 1940 census is made prior to September 1, 1940, said census would become officially applicable in determining the assessed rates for package store permits. On the other hand, if official pronouncement of the 1940 Federal Census is not made until after September 1, 1940, then the Federal Census of 1930 would be applicable in determining the assessed rates for package store permits.

Trusting that the foregoing fully answers your inquiry, we are

Yours very truly

APPROVED AUG 9, 1940

ATTORNEY GENERAL OF TEXAS

FIRST ASSISTANT
ATTORNEY GENERAL

BY

Ardell Williams

Ardell Williams
Assistant

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Encl.

